

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

BRIGID S. MARTIN (CABN 231705)
Assistant United States Attorneys

1301 Clay Street, Suite 340S
Oakland, CA 94612
Telephone: (510) 637-3697
Fax: (510) 637-3724
E-Mail: Brigid.Martin@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 09-00775 SBA |
| |) | |
| Plaintiff, |) | STIPULATED REQUEST TO SET |
| |) | CHANGE OF PLEA AND SENTENCING |
| v. |) | ON JANUARY 22, 2013, AND TO |
| |) | EXCLUDE TIME UNDER THE SPEEDY |
| JUAN OCTAVIO LOPEZ, |) | TRIAL ACT |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |
| |) | |
| |) | |

The parties request that the Court set this matter for change of plea and sentencing on January 22, 2013, at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act between the date of this stipulation and January 22, 2013.

The parties have reached an agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure and will submit the proposed plea agreement via letter to the Court simultaneous with the government files this stipulation. To allow time for the Court to consider the proposed plea agreement and for the preparation of a Presentence Investigation Report by the United States Probation Office, the parties request that this matter be set on January 22, 2013, at 10:00 a.m. for change of plea and sentencing (assuming the proposed plea agreement is

1 acceptable to the Court). Defendant agrees that the Court may review the pre-plea Presentence
2 Investigation Report even though he has not yet pleaded guilty. Since the proposed plea
3 agreement has been submitted to the Court, the parties further stipulate and agree that the time
4 between September 26, 2012, and January 22, 2013, should be excluded under the Speedy Trial
5 Act, specifically, pursuant to 18 U.S.C. § 3161(h)(1)(G), for consideration by the Court of a
6 proposed plea agreement to be entered into by the defendant and the attorney for the
7 government.

8
9 Respectfully submitted,

10
11 Date: September 26, 2012

/s/ Brigid S. Martin
Brigid S. Martin
Assistant United States Attorney

12
13
14 Date: September 26, 2012

/s/ Erik Babcock
Erik Babcock
Counsel for Juan Octavio Lopez

1
2
3
4
5
6
7
8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

| | | |
|------------------------------|---|---------------------------------|
| 13 UNITED STATES OF AMERICA, |) | No. CR 09-00775-1 SBA |
| |) | |
| 14 Plaintiff, |) | ORDER GRANTING STIPULATED |
| |) | REQUEST TO SET CHANGE OF PLEA |
| 15 v. |) | AND SENTENCING ON DECEMBER 18, |
| |) | 2012, AND TO EXCLUDE TIME UNDER |
| 16 JUAN OCTAVIO LOPEZ, |) | THE SPEEDY TRIAL ACT |
| |) | |
| 17 Defendant. |) | |
| |) | |
| 18 |) | |
| 19 |) | |

20 The parties jointly requested that this matter be set for change of plea and sentencing on
21 January 22, 2013, at 10:00 a.m. The parties further requested that time be excluded under the
22 Speedy Trial Act between September 26, 2012, and January 22, 2013, to allow time for the Court
23 to consider the proposed plea agreement to be entered into by the defendant and the attorney for
24 the government, and to allow time for the preparation of a Presentence Investigation Report by
25 the United States Probation Office. Defendant agreed that the Court may review the pre-plea
26 Presentence Investigation Report even though he has not yet pleaded guilty. Good cause
27 appearing therefor, and pursuant to 18 U.S.C. § 3161(h)(1)(G),
28

1 **IT IS HEREBY ORDERED** that this matter is set for change of plea and sentencing on
2 January 22, 2013, at 10:00 a.m., and that time between September 26, 2012, and January 22,
3 2013, is excluded under the Speedy Trial Act, specifically, pursuant to 18 U.S.C.
4 § 3161(h)(1)(G), for consideration by the Court of a proposed plea agreement to be entered into
5 by the defendant and the attorney for the government.

6 **IT IS FURTHER ORDERED** that the United States Probation Office shall prepare a
7 Presentence Investigation Report.

8
9 DATED: __9/27/12__


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge